

**IC 34-30-10.5****Chapter 10.5. Governmental Entities: Immunity for Donations of Equipment to Fire Departments****IC 34-30-10.5-1****Immunity from civil liability**

Sec. 1. Subject to section 2 of this chapter, a person is immune from civil liability for personal injury, property damage, or death resulting from a defect in fire control or fire protection equipment donated in good faith by the person to a volunteer fire department (as defined in IC 36-8-12-2) or the fire department of a political subdivision, unless the person's act or omission that proximately caused injury, damage, or death constitutes gross negligence or willful, wanton, or intentional misconduct.

*As added by P.L.95-2001, SEC.3.*

**IC 34-30-10.5-2****Immunity to person who donates breathing apparatus**

Sec. 2. Section 1 of this chapter provides immunity to a person who donates a breathing apparatus only if:

- (1) the breathing apparatus is recertified to manufacturer's specifications before it is donated; or
- (2) the person notifies the donee, at the time of the donation, that the breathing apparatus has not been recertified to manufacturer's specifications.

*As added by P.L.95-2001, SEC.3.*